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MONTANA LEGISLATIVE HISTORY

Chapter 561 19 85

Bill H _____ S 389 Original bill & history ____C

H. Committee on Highways & Transportation		S. Committee on Highways & Transportation	
Hearing Date(s) Mar 19	✓ C	Hearing Date(s) Feb 19	✓ C
_____	____C	Feb 21	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Mar 19	✓ C	Feb 21	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

2/12	FISCAL NOTE REQUESTED		
2/20	FISCAL NOTE RECEIVED		
3/06	HEARING		
3/08	ADVERSE COMMITTEE REPORT	31	18
3/08	RECONSIDERATION		
3/08	REREFERRED TO TAXATION		
3/18	TABLED IN COMMITTEE		

SB 387 INTRODUCED BY LYBECK, BLAYLOCK, ET AL.
REQUIRE GREEN SIGNAL LAMP TO DESIGNATE COMMAND VEHICLE IN EMERGENCY/DISASTER

2/11	INTRODUCED		
2/12	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/12	FISCAL NOTE REQUESTED		
2/18	FISCAL NOTE RECEIVED		
2/19	HEARING		
2/22	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/25	2ND READING PASS	46	0
2/27	3RD READING PASS	50	0
	TRANSMITTED TO HOUSE		
3/06	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/19	HEARING		
3/20	COMMITTEE REPORT-BILL CONCURRED		
3/23	2ND READING CONCURRED	85	5
3/25	3RD READING CONCURRED	94	6
	RETURNED TO SENATE		
3/30	SIGNED BY PRESIDENT		
3/30	SIGNED BY SPEAKER		
4/01	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 361 EFFECTIVE DATE: 10/01/85		

SB 388 INTRODUCED BY JACOBSON, HARP
ALLOW DISABLED PERSON TO NAME ANOTHER PERSON TO SHOOT A GAME ANIMAL FOR HIM

2/11	INTRODUCED		
2/12	REFERRED TO FISH & GAME		
2/21	HEARING		
2/21	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/23	2ND READING PASS	36	8
2/25	3RD READING PASS	35	13
	TRANSMITTED TO HOUSE		
2/27	REFERRED TO FISH & GAME		
3/19	HEARING		
3/20	COMM REPORT-BILL CONCURRED AS AMENDED		
3/23	2ND READING NOT CONCURRED	78	17
3/23	BILL KILLED		

SB 389 INTRODUCED BY HIRSCH
GENERALLY REVISING LAWS CONCERNING SHERIFFS' RETIREMENT SYSTEM

2/11	INTRODUCED		
2/12	REFERRED TO LOCAL GOVERNMENT		

Richard Tretheway, Fire Coordinator, Butte-Silver Bow EXHIBIT 12

Questions from the committee were called for.

Senator Shaw asked who was the first man on the scene of an accident? Bill Murray replied by stating either a law enforcement officer or the fire department.

Senator Williams asked what is considered hazardous material? Dave Fisher replied by stating that any material, whether it be breathed in from the atmosphere, touched by any chemical involved, or an explosion is considered hazardous.

Senator Williams asked Mike Rice about hazardous material accidents. Mr. Rice stated that he has been a motor carrier involved with transportation of hazardous quantities for over 20 years, and has not seen an accident where mechanical failure, inspection of the vehicle, was the cause of the accident. He has yet to see a circumstance where the emergency people could not cope with not knowing what the hazardous material was.

Senator Williams asked how much effort was put into the tri-agency approach to the inspection? Wayne Budt answered him by stating that in 1981 when the inspections were shortened, the PSC coordinated their efforts with the GVW and the Highway Patrol.

Senator Farrell asked Wayne Budt how many people were hired last year to perform these inspections? Wayne Budt replied that four people were hired with the federal money to actually perform the inspections. Out of those four, only one person is left doing the inspecting now.

Senator Farrell closed by referring to the 1981 audit report of the Sunset Provisions of the PSC, that relates to the placarding and authority and the illegal carriers carrying this hazardous material. The legislation stated in this report that the PSC does not actively enforce motor carrier obligations to provide service on an ongoing basis. What that means is that they are not making sure that the people that have the authority are the only ones hauling the material. It also stated the Highway Patrol and GVW keep track of carrier related motor carrier violations with the aid of data processing. Both indicated a willingness to make changes and allow the PSC access to their take, to accomodate their needs, and yet in the State Enforcement Plan there is still a section where they indicated a need for computer data. They already have the opportunity to work with the Highway Patrol or GVW.

The hearing was closed on SB 182.

CONSIDERATION OF SENATE BILL 387: Senator Lybeck, Senate District 4, was the sponsor of this bill. This bill was an act to require police and emergency vehicles to carry a portable green signal light for the purpose of the designation of the on scene command and control vehicle in an emergency or disaster situation. There was an amendment to this bill. The general summary of this bill is attached as EXHIBIT 1C.

PROPONENTS: William Murray, representing the Montana Disaster and Emergency Association, spoke in support of SB 387, as amended. (SEE EXHIBIT 13)

Tom O'Hara, Cascade County Rural Fire Coordinator, spoke in support of SB 387. He stated that the green lights work supurbly.

Colonel Landon, representing the Montana Highway Patrol, spoke in support of SB 387.

OPPONENTS: Todd Hudak, representing the Montana Association of Counties, rose in opposition to SB 387, but because of the proposed amendments will support SB 387.

Senator Lybeck closed by thanking his witnesses.

The hearing on SB 387 was closed.

ANNOUNCEMENTS:

The committee will meet on Thursday, February 21, 1985 at 12:30 p.m.

ADJOURNMENT:

The meeting was adjourned at 2:15 p.m.

LAWRENCE G. STIMATZ
Chairman

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985 Date 2-19-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
#7	SENATOR STIMATZ	X		
~~#25~~	~~SENATOR MANNING~~	---	---	---
#27	SENATOR BENGTSON	X		
#8	SENATOR DANIELS			X
#32	SENATOR FARRELL	X		
#42	SENATOR HAGER	X		
#48	SENATOR LYBECK	X		
#23	SENATOR SHAW	X		
#3	SENATOR TVEIT	X		
#39	SENATOR WILLIAMS	X		
#26	SENATOR WEEDING	X		

Each day attach to minutes.

DATE February 19, 1985

COMMITTEE ON Highways and Transportation

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Jim Palmer	Self Palmer Trucking	83 182	X	
Jim Basolo	Common Trucking	83 182	✓	
Gary Nelson	Western Transport	83 182	X	
Ben Havdahl	Mont Motor Carriers Assn	83 182	✓	
R. R.W. Lawson	MHP	182		X
Jayne Budt	MT PSC	182		X
KEITH L. OLSON	MT. Logging Assn	83 182	✓	
Larry Magone	MTr Vehicle Division	83	Information	
Mike Kill	Transystems, Inc	83 182	X	
Tom O'Hara	Cascade Co. Rural Fire	182 387	X	X
TODD HUDAK	MACo	182 387		X
Joe Roberts	Dept of Justice	182		X
Kimia Pinch	Disaster/Emerg. Serv.	182		X
Mike Dotto	Silver Bow Fire Dept	182	W	X
Phil Powell	Butte-Silver Bow Gov	182		X
Paul Spengler	MT. D.E.S. Assoc.	182		X
Abbott Coty	MT PSC	182		X
Bill Olson	MT. Contractors Assn.	182	✓	
Bill MURRAY	MT. D.G.S. Assoc.	182		X
Bill MURRAY	MT D.G.S. Assoc	387	X	

(Please leave prepared statement with Secretary)

EXHIBIT 13
HIGHWAYS & TRANSPORT.

(This sheet to be used by those testifying on a bill.)

NAME: William E. Murray DATE: 2/19/85

ADDRESS: Rm 248 Cas Co Bldg Great Falls, MT.

PHONE: 761-6700 ext 246

REPRESENTING WHOM? MT. Assoc. of D.E.S. Directors

APPEARING ON WHICH PROPOSAL: SB 387

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

COMMENT: See Attached Statement

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Cascade County Disaster & Emergency Services
coordination & communication
William E. Murray, director

(406) 761-6700 Ext. 247 Box 3127 Great Falls, Montana 59403

February 18, 1985

MONTANA ASSOCIATION OF DISASTER AND EMERGENCY SERVICES DIRECTORS
FAVORS SB 387 (With recommended amendment)

The individuals making up the Association have considerable experience with the confusion that is an inescapable part of any disaster scene.

In a "normal" emergency, there are only a few emergency service vehicles involved. Approaching personnel can easily determine who is in charge by quickly surveying the scene.

In a disaster situation, however, things are different. Emergency vehicles of all types arrive in great numbers. The scene is quickly characterized by a massive array of flashing red, blue and amber lights.

Radio channels are tied up by approaching individuals seeking directions to the on-scene command post. Aircraft offering information are hampered by an inability to know which vehicle to "key" upon in providing directions.

To minimize such confusion, several localities--including Cascade County--have experimented with the use of a flashing green strobe to identify the on-scene Command Post. In at least three major incidents involving city, county, state and federal personnel along with volunteers and private agencies, the strobe proved very effective at enabling each arriving unit to report quickly and accurately to the Command Post.

We recommend amending SB 387 to remove the requirement inherent in the language of proposed subsection (7) to 61-9-402 Section 1. Where it now is worded "shall be equipped", we suggest substituting "may be equipped", or perhaps "shall be authorized a portable...".

The point is that the need to display a green lamp is not immediate, but only comes as more and more equipment arrives at the scene. The vehicle that will display the light is determined in advance by the Disaster Plan. For those reasons, it is not necessary for every emergency vehicle to be so equipped.

In Cascade County, each Emergency Service has a single magnetic mount "fireball" type green beacon. This has proven sufficient for any situation.

for SB 113, and Senator Williams will carry the Minority Report on the floor for SB 113.

DISPOSITION OF SENATE BILL 387: Senator Bengston moved the amendments PASS to SB 387. (SEE EXHIBIT 12) The motion carried and passed unanimously.

Senator Bengston moved a DO PASS AS AMENDED on SB 387. The motion carried and passed unanimously.

DISPOSITION OF SENATE BILL 83: Senator Farrell moved the amendments to SB 83 PASS. (SEE EXHIBIT 13) The motion carried and passed unanimously.

Senator Farrell moved a DO PASS AS AMENDED on SB 83. The motion carried and passed with Senator Bengston and Senator Daniels voting NO.

DISPOSITION OF SENATE BILL 182: Senator Shaw moved the Statement of Intent PASS. (SEE EXHIBIT 14) The motion carried and passed unanimously. Senator Shaw moved a DO PASS on SB 182.

DISCUSSION: Senator Shaw stated that this bill was a good bill. He felt it would strengthen the Highway Patrol and put inspection of trucks under one agency.

Senator Stimatz stated that if this bill passes, Colonel Landon would ask for 10-20 additional FTE. He also stated that the PSC had been authorized to inspect the trucks under federal funding and the Governor's designation, and he was opposed to this bill.

Senator Farrell stated that the Governor had taken no position on the bill, he only required to amend that the State Enforcement Plan designate the Highway Patrol as the lead agency. The allocation for money that had presently been presented by the PSC to the appropriations committee will be transfered to the Highway Patrol, which is allowed under the federal program. Senator Farrell went on to say either way you go, with the Highway Patrol or the PSC, there is going to be additional people hired.

Senator Williams stated that he would vote for the bill to get it on the floor for more debate.

Senator Weeding stated that he was opposed to the bill because of the proposed $152,000 additional dollars needed for the bill.

Senator Farrell commented on Senator Weeding's statement by stating that the fiscal analyist told him that the PSC presented a proposal and they compared it to the Highway Patrol's proposal, and they found that the Highway Patrol's proposal was lower than PSC's.

Senator Daniels asked what will become of the present personnel? Senator Farrell replied they only have one inspector left.

Senator Stimatz called the members' attention to the effective date of this bill, which is on passage and approval, but the fiscal note

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

48th LEGISLATIVE SESSION -- 1985 Date 2-21-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
#7	SENATOR STIMATZ	X		
~~XXXX~~	~~SENATOR XXXXXXXX~~			
#27	SENATOR BENGTSON	X		
#8	SENATOR DANIELS	X		
#32	SENATOR FARRELL	X		
#42	SENATOR HAGER	X		
#48	SENATOR LYBECK	X		
#23	SENATOR SHAW	X		
#3	SENATOR TVEIT	X		
#39	SENATOR WILLIAMS	X		
#26	SENATOR WEEDING	X		

Each day attach to minutes.

EXHIBIT 12
HIGHWAYS AND TRANSPORT.

Amendments to Senate Bill 387, Introduced Bill

1. Title, line 4.
Following: "TO"
Strike: "REQUIRE"
Insert: "ALLOW"

2. Page 3, line 25.
Following: line 24
Strike: "shall"
Insert: "may"

STANDING COMMITTEE REPORT

FEBRUARY 21 1985

MR. PRESIDENT

We, your committee on HIGHWAY AND TRANSPORTATION

having had under consideration SENATE BILL No. 387

first reading copy (white color)

REQUIRE GREEN SIGNAL LAMP TO DESIGNATE COMMAND VEHICLE IN EMERGENCY/DIASTER

Respectfully report as follows: That SENATE BILL No387

be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "REQUIRE"
Insert: "ALLOW"

2. Page 3, line 25.
Following: line 24
Strike: "shall"
Insert: "may"

AND AS AMENDED

DO PASS

XXXXXXXXXX

LAWRENCE G. STIMATZ
Chairman.

DAILY ROLL CALL

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

49th Legislative Session

Date March 19, 1985

Name	Present	Absent	Excused
Harp	X		
Abrams	X		
Campbell	X		
Compton	X		
Glazer	X		
Harbin	X		
Howe	X		
Kennerly	X		
Keyser	X		
Koehnke	X		
O'Connell	X		
Peterson	X		
Smith	X		
Zabrocki	X		

VISITORS' REGISTER

House Highways & Transp. COMMITTEE

BILL NO. SB 387 DATE March 19, 1985

SPONSOR Lybeck

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Gayle R. Nagel	Simms Mt.	X	
Kimberly A. Kradolfer	Attorney General's Office		(X)

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Chairman Harp advised committee members they have a choice between sending the letter as it is, along with the map, or rewriting the letter and putting the percentage of dollars and projects which will be affected on the reverse side of the map.

Representative Keyser stated if the latter were done, he would have no problem with the map.

Vice Chairman Abrams asked if the map were public information. Chairman Harp stated he first saw the map when the gas tax was being discussed, but no one has paid much attention to it yet. He said he believes the Committee needs to leave the disclaimer on the map and add percentages.

Representative Keyser made a motion that the suggestion to leave the disclaimer and add percentages to the map be approved. Representative Koehnke seconded the motion. Chairman Harp clarified the fact that the map would strictly show areas which could be affected and would have no "x" denotations. The motion was given unanimous approval of the Committee.

Representative Glaser stated the absence of "x" and their replacement with dots would appear to have an even more frightening affect, in getting the committee's concerns across to others.

CONSIDERATION OF SENATE BILL 387: Representative Carl Zabrocki, District 26, testified for the bill's sponsor, Senator Lybeck (who was not present), and read from the title of the bill. Representative Zabrocki said the command car at a disaster or emergency site, would have a green signal light, making it easy for those assisting to locate the command center.

PROPONENTS: Mr. Lyle Nagel, representating the Montana State Volunteer Firemen's Association, told the Committee the designation would apply to large groups responding to a disaster or emergency. He said a problem exists in locating the command center among the many vehicles in the area and that the green light would resolve the situation. Mr. Nagel advised committee members Yellowstone County used the method this past summer, thus saving time during the emergency situation. He urged the Committee to give Senate Bill 387 a favorable recommendation (Exhibit 3).

Representative Helen O'Connell asked to go on record as a proponent of the bill. There were no other proponents and no opponents.

QUESTIONS: Representative Campbell asked why a green signal light could not be used without enacting legislation. Mr. Nagel replied that a vehicle can be used for any type of response work during a disaster or emergency. Representative Glaser commented the command vehicle is usually the first responder.

Representative Harbin stated he thought it would be important to make a distinction on page 4, line 4 of the bill, by changing "shall" to "may".

Representative Zabrocki closed without comment, except to ask that the Committee give Senate Bill 387 a favorable recommendation.

DISPOSITION OF SENATE BILL 387: Representative Keyser made a motion that Senate Bill 387 BE CONCURRED IN. The motion was given unanimous approval of the Committee.

Representative Koehnke was asked to carry Senate Bill 387.

CONSIDERATION OF SENATE JOINT RESOLUTION 27: Senator Larry Stimatz, District 35, told committee members the resolution is a simple statement asking that bartenders give a designated driver (sober driver), encouragement by providing non-alcoholic beverages to that person (page 2, lines 9-15). He said the bill was introduced at the request of a group of young people and some bartenders, who are already participating in such a program.

There were no proponents and no opponents of Senate Joint Resolution 27.

QUESTIONS: Representative Campbell asked who would have responsibility for the program. Senator Stimatz replied the Department of Justice, Motor Vehicle Division, would disseminate public information promoting designated driver programs.

Representative Smith stated the beverage distributors would probably assist with publicity if they were notified by the Division.

DISPOSITION OF SENATE JOINT RESOLUTION 27: Representative O'Connell made a motion that Senate Joint Resolution 27 BE CONCURRED IN. Representative Smith seconded the motion, which was given unanimous committee approval.

CONSIDERATION OF SENATE BILL 237: Senator Chris Christiaens, District 17, told the Committee the 1981 Legislature increased fees for oversize permits, which were transferred from one vehicle to another. He said the Department of Highways does not allow copies to be made of a permit and, thus, a farm implement dealership cannot haul a combine and header at the same time. The cost of each permit

Exhibit 3
HB 387

WITNESS STATEMENT

NAME Lyle P. Nagel BILL NO. SB387

ADDRESS Simms, MT DATE 3-19-85

WHOM DO YOU REPRESENT? MT. State Vol. Firemen's Assn

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

On fires where more than 1 fire Company has responded a separate Command Center is usually established. It may be in a fire truck or some other location. This bill will allow some way to distinguish this Command or control center from other vehicles on the scene.

In Cascade Co. this system was used last summer when several large fires occured. It proved to be worthwhile. In the past when 1 vehicle was established but not marked differently than other fire vehicles a lot of time and radio traffic was involved to find the control center.

I urge a do pass on this bill. thank you

Lyle P. Nagel

STANDING COMMITTEE REPORT

MARCH 19 19 85

MR. SPEAKER:

We, your committee on HOUSE HIGHWAYS AND TRANSPORTATION

having had under consideration SENATE BILL Bill No. 387

THIRD reading copy (BLUE color)

AN ACT TO REQUIRE POLICE AND EMERGENCY VEHICLES TO CARRY A PORTABLE GREEN SIGNAL LIGHT FOR PURPOSES OF DESIGNATION AS THE ON-SCENE COMMAND AND CONTROL VEHICLE IN AN EMERGENCY OR DISASTER;

Respectfully report as follows: That SENATE BILL Bill No. 387

BE CONCURRED IN

~~DO PASS~~

Representative John C. Ellis, Chairman.

STATE PUB. CO.
Helena, Mont.

COMMITTEE SECRETARY